

# THE INDYPENDENT

# DROP THE ROCK!



NEW YORKERS DECLARE WAR ON ROCKEFELLER-  
ERA DRUG LAWS *coverage on pages 6, 7*



New York City  
**independent**  
media center

APRIL 2001

NO 6



## THE HIGH PRICE OF FREE TRADE

By MIKE BURKE

Critics of the proposed Free Trade Area of the Americas deal say such trade pacts favor businesses over the public interest. As evidence, they cite Chapter 11 of the North American Free Trade Agreement, which was signed by Mexico, the United States and Canada and came into force in 1994. Since then, over a dozen corporations have used Chapter 11's "investor-state" arbitration method to claim that a particular country denied them "fair and equitable treatment."

The various corporations involved allege they've lost millions — and, in one case, a billion — dollars due to unfair government action and deserve compensation. Critics, such as the World Wildlife Fund's David Schorr, counter that the secretive arbitration process "is being used to rewrite important public policies

behind closed doors."

Under NAFTA rules, any business that has its property expropriated by a government is due compensation. But, says Schorr, these rules have been liberally interpreted to conclude any governmental measure is "tantamount to expropriation whenever a regulation reduces corporate profits."

Article 201 of NAFTA states that "measure includes any law, regulation, procedure, requirement or practice." Article 1139 of NAFTA defines the term investment to include virtually anyone who has even a fleeting economic interest in an enterprise. Also under article 201, enterprise is broadly defined to include virtually any association, whether public or private. So, for example, anyone owning stock in a company who feels that a decline in the *(continued on page 8)*

## PARENTS TO EDISON: DROP DEAD

By JESSICA STEIN

Parents at five failing New York City public schools overwhelmingly rejected plans to transfer management of the schools to Edison Schools, Inc., which operates 113 "public" schools in 45 U.S. cities.

Over 80 percent of those parents voting rejected the proposal. An affirmative vote from a majority of eligible parents was needed to OK the plans.

Critics of Edison claimed victory, but Mayor Rudolph W. Giuliani and other proponents of privatization predicted similar proposals would reemerge for other schools.

According to the anti-privatization group, the People's Coalition to Take Back Our Schools, voters may have been disenchanted with Edison for numerous reasons including: Edison's failure to prove that test scores would rise; the proposed rigid, depersonalized curriculum; the expected high teacher turnover; and the company's dire financial straits (Edison has lost almost \$200 million since its founding in 1992).

The coalition also feared that Edison's presence would disempower parents and community members. "Edison is a for-profit company whose bottom line is their bottom line. When Edison's stockholders decide it has to start making a profit, it will have to cut back on staff and services," the group wrote. "Parents and communities will have no voice in these corporate decisions."

The coalition includes parents, community members, and teachers, as well as organizations such as the Black Radical Congress, Jews for Racial and Economic Justice, the Progressive Action Caucus of the United Federation of Teachers, and the New Abolitionist Movement.

There is no word yet on future plans for the five schools, which draw largely from poor communities and communities of color: Public School 66 in Crotona Park East, the Bronx; P.S. 161 in Harlem; Intermediate School 111 in Bushwick, Brooklyn; and Middle Schools 320 and 246, in Crown Heights and Flatbush, Brooklyn, respectively.

Edison's chief executive, Chris Whittle, sounded resigned yet hopeful in a recent *New York Times* editorial. He wrote, "Edison will continue to grow and prosper across the country, and it or the ideas it represents will return stronger and better. And when these ideas return, let's hope that New York will embrace them, for the sake of all its children."

After voting ended on April 2, Giuliani urged New York Schools Chancellor Harold Levy to select and privatize 20 other public schools without a vote by parents. But Levy said it would be illegal not to consult parents.

# ENVISIONING A WORLD WITHOUT WALLS: Critical Resistance Rocks NYC

By ARIES DE LA CRUZ

Activists, artists, ex-prisoners and prison employees from as far away as California and Texas met at New York City's Columbia University in mid-March to participate in what organizers called the East Coast's best-attended conference on prison issues to date.

The three-day gathering, called Critical Resistance, kicked off with *Attica Rebellion: Roots of Resistance*, a film specially made for the conference.

Utilizing footage of the 1971 prison uprising, along with news reports and interviews with activists, the filmmakers depict the events leading up to then Governor Nelson Rockefeller's decision to send state troopers to the Attica Correctional Facility near Buffalo, New York.

The four-day Attica uprising was quashed in an indiscriminate hail of police gunfire that left some 40 prisoners and their captives dead. Although a lawsuit was filed on behalf of the prisoners in 1974, the state did not finally settle the case until last year when it agreed to pay \$8 million to Attica inmates who were in Prison Yard D, where most of the shootings occurred.

Present at the screening was Emani Davis, daughter of Attica survivor Jomo Davis — who was shot seven times during the assault and later indicted for his part in the rebellion. "For me, growing up, Attica symbolized the people's ability to stand up and fight oppression and brutality under the worst conditions imaginable," she said. Overwhelmed with emotion, she delivered a message from her father: "We need you to recognize our struggle, remember us and carry the struggle into the communities. Communities are more affected by the prison-industrial complex today than they were in 1971. More people are locked up, more people have neighbors and families locked up. We look to you, especially the young people who are drawn to Critical Resistance to carry out this struggle."

Manny, a young father from Boston who was formerly incarcerated, addressed the crowd of thousands, and spoke about the need to change how the prison system targets youths and minorities. "How I feel about prison systems is a feeling of confusion; I know that people are sent to prison for something they did or are accused of," he said. "Prisons are supposed to rehabilitate the inmate, but in reality, in a lot of cases, it makes them worse."

Saturday was taken up by numerous

workshops and caucuses, such as "Corporate Campaigns and Prison Activism." This workshop examined the nuts and bolts of pressuring corporations to end ties to the prison system. Hypothetical cases were discussed against corporations like Victoria's Secret, notorious for its use of prison labor, and long-distance phone companies, such as MCI and Sprint, that overcharge prisoners for phone calls from prison.

Riverside Church in Harlem was the venue for the evening's plenary session, "Women, Prison and Globalization." It featured Angela Davis, radical black activist and writer, and Chrystos, a Native-American activist and poet,

Chrystos criticized environmentalists who opposed the recent lifting of a whale-hunting ban. She argued that natives did not destroy Turtle Island, a term used by Native Americans to describe North America. The ban on whale-hunting continues to be a controversial issue among native people and environmentalists. While some members of the left support hunting as traditional land use, others have denounced it.

The rest of the evening was highlighted with messages of solidarity from former Panthers Assata Shakur, who lives in Cuba, and Marilyn Buck. Since 1985, she's been serving a total of 80 years on several charges including bank robbery and helping to liberate Shakur from a U.S. prison and spiriting her to safety in Cuba. Buck was also later charged with "conspiracy to protest and alter government policies through use of violence."

A windy Sunday afternoon outside the steps of the Low Memorial Library overlooking the College Walk at Columbia University provided the backdrop of the closing plenary, "Visualizing a World Without Walls."

"Everybody here may have a different understanding of what it would mean to see a world without prisons," Sherrie Wilson told the audience of thousands. "We are living in a culture of repression and punishment. A culture that relies on not only on prisons, but policing, media, coverage of crime and the way that people are framed, especially people of color, poor people and young people. A culture that is completely shaped by fear and driven by power."

Wilson offered her vision; "If you can begin to imagine a world without prisons, if we can work to create that language and that vision, and articulate that, we'll be moving forward in our struggle."

After the event, activists, artists and former prisoners journeyed to the South Bronx to demonstrate at the Horizon Juvenile Center, a city-run youth prison.

The hundred-strong contingent traveled to the facility by subway, which provided for some impromptu leafletting, sloganizing and advertising enhancement. Stickers proclaiming, "This Corporation Proudly Supports the Prison-Industrial Complex" were affixed to subway advertisements. One was placed on an ad for CourtTV, long criticized for profiting off the prison system by packaging it as entertainment.

Once at their destination, protesters were quickly confronted with a police-designated protest pen. Citing their rights to protest freely, the crowd initially refused to enter the barricaded area.

Members of the National Lawyers Guild asked the police to remove the barricades, but their request was rebuffed. Organizers eventually requested that the marchers enter the blocked-off protest zone, which they did, but not without incident. Once inside, several people knocked down barricades. As police rushed to restore the barrier, another barricade would fall. The police finally issued a threat to arrest anyone caught knocking down a barricade.

While the confrontations subsided after that, the protesters were left with ample time to evaluate the weekend's events. Most expressed satisfaction with the conference. One protester, who wished to remain anonymous, noted "the weekend allowed people from different backgrounds and ideologies to meet and share their experiences and visions for a world without walls."

PETER HOLDENNESS

# FALLING BETWEEN THE CRACKS

## CITY FAILS TO PROTECT ABUSED WELFARE RECIPIENTS

BY HEATHER HADDON

Thousands of New York City welfare recipients who were victims of domestic violence failed to receive proper administrative aid from their caseworkers, according to a state audit released on March 23.

Commissioned by New York State Controller H. Carl McCall, the report documented widespread problems in implementing the Family Violence Option, which temporarily suspends mandated work and training requirements when they jeopardize the personal safety of clients or their children.

"The results of a spot check of files . . . found a troublesome lack of information about what steps were taken to address claims of domestic violence," said McCall. "We found gaps in information about screening, review and referral to domestic violence services."

The year-long review of the Office of Temporary and Disability Assistance (OTDA) – the department that handles welfare and other public assistance programs – revealed 80 percent of audited records did not indicate whether the caseworker had assessed the client's personal danger or developed a safety plan intended to address emergency situations. Additionally, 50 percent of the victims' folders lacked the proper documentation of abuse necessary to defer employment.

OTDA called the evaluation flawed, the *New York Daily News* reported.

"I was particularly disturbed by the failure of state officials to offer either an explanation or a plan of action in response to this audit," said McCall.

The report examined how six of New York's largest counties implemented the Family Violence Option. New York City's faults were the most pronounced.

The study concluded these failures force "domestic violence victims to choose between losing the benefits they need to leave violent relationships or complying with program rules that may endanger them or make it difficult to take steps to address the violence in their lives."

Improper documentation of waivers granted under the Family Violence Option threatens to reduce federal

funds earmarked for New York's public assistance programs.

"This potential problem is especially critical in New York City, since about 70 percent of the state's public welfare recipients are located in that district," the study noted.

While some question the timing of the report's release (McCall is running for the Democratic ticket in the New York State's 2002 gubernatorial race), previous findings also point to New York City's acute failure in carrying out the Family Violence Option. An earlier audit conducted by the Comptroller noted that domestic violence liaisons, who grant the safety-net services, were hired in only nine of the City's 28 job centers.

In reference to the program's vacancies, McCall said he had "serious concerns about the state's commitment to this effort."

The National Organization of Women's Legal Defense Fund also exposed major flaws in New York City's protection for abused welfare recipients. Based on investigations of Bronx welfare sites during 1999, less than half of the victims of violence surveyed were ever sent to the Office of Domestic Violence for assessment. Not one client who verbally reported abuse to her caseworker was given a referral.

Of those who saw the liaison, two-thirds were denied waivers from work requirements. NOW speculated that a lack of interpreters, staff confusion, and City resistance to follow the law barred many clients from receiving work pardons.

Patricia Ireland, the president of NOW, stated that such negligence was a "death warrant for tens and thousands of women and children who have survived domestic violence."

While the Office of Domestic Violence only has roughly 3,000 clients apply for a waiver, NOW speculated that at least 22,000 of the 180,000 adults on welfare were subject to abusive situations that failed to be addressed by New York City's poorly implemented Family Violence Option.



RAINFOREST ACTION NETWORK

## CITI-HANG

"Hey CITI, Not With My Money!" read the banner unfurled by two activists in front of Citigroup's midtown headquarters on April 17 during rush hour.

The activists from the Rainforest Action Network (RAN) were trying to increase pressure on the company as part of an organized effort to force the financial giant to end harmful business practices.

According to RAN, "Citigroup is a top funder of devastating projects such as mining in the Amazon basin and oil pipelines through the rainforests of Africa. Whether issuing bonds for the construction of the world's largest hydropower project slated to displace some 5 million people in China, or arranging loans for palm plantations that encroach on critical orangutan habitat in Indonesia, Citigroup's influence on the global environment and communities is tremendous."

The banner hanging capped a week of actions, starting April 11, involving demonstrations in over 80 cities in 12 countries and a large-scale student-led boycott of Citigroup-issued credit cards.

The climbers were David Murphy, 28, of Brooklyn and Scott Anderson, 27, of Kentucky. Murphy commented, "Citi has a consistent record of prioritizing short-term profits at the expense of long-term health of communities and the environment. I am here to send a clear message that Citi can no longer fund immoral and destructive activities with my money."

(Contributed by Jessica Stein and Matt Lee.)



## STARVING FOR JUSTICE

A group of 10 CUNY law students and a faculty member went on a three-day hunger strike in early April to protest the denial of tenure last December to Professor Maivan Lam, an Associate Professor at CUNY Law School since 1992. The protesters say they took action after a scheduled review of the tenure process failed to occur.

The hunger strikers were also trying to call attention to what they say is the law school's failure to fulfill its mission of teaching public interest law. The cover of the CUNY Law School catalog displays the motto, "Law in the Service of Human Needs." Yet many courses currently listed in the catalogue and relating to public interest law have not been offered, including: AIDS and the Law,

Critical Race Theory, Disabilities and the Law, Education Law and Children's Rights, Gender and the Law, and Native American Law.

Some students add they're worried the school will become an assembly line producing corporate lawyers and just a "way to pass the bar exam."

After meeting with Law School Dean Kristen Booth Glen, the protesting students called off the hunger strike and said they were instead organizing a boycott of the upcoming graduation ceremonies. The school, however, has yet to address the concerns raised by the students over Professor Lam's rejection and high dismissal rates for students of color and faculty members who are women or people of color.

## INDYBENEFIT FOR THE INDYPENDENT

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# FUTURE OF LIVE/WORK IN GOP HANDS

BY JOSHUA BREITBART

A Brooklyn-based tenants' rights group is moving toward its goal of a city-wide law that would legalize rental lofts used as "live-work" spaces.

Members of the Brooklyn Live/Work Coalition, based in the Williamsburg neighborhood, are lobbying the New York State Senate to provide legislative relief to their precarious situation. Many Williamsburg residents were jolted to learn last year that their homes were in jeopardy after New York City housing authorities evicted loft dwellers from two commercial buildings. (See the March issue of the *Indydependent*.)

Assembly member and Housing Committee Chair Vito Lopez, whose 53rd district includes many live/work spaces, successfully sponsored three tenant-protection bills in the lower house. The city-wide loft bill (A5580) would legalize residence for anyone who lived in a commercial building last year; Bill A55079 would extend a 1982 law that legalized live-work spaces in limited parts of Brooklyn and Manhattan; and an emergency measure, known as the Mary Lynn McCorkle bill (A55078), would penalize landlords who cut essential services to their live-work tenants.

Williamsburg resident Mary Lynn McCorkle of the eponymous bill has been living without heat and electricity for over six months. McCorkle says her landlord is trying to oust the remaining residents before selling the building. From the Williamsburg Bridge you can see McCorkle's plea taped to her window: "Owner Cut Power."

The Assembly's swift passage of the three bills was deemed "miraculous" by Eliza Proctor of the BLWC, but they must still pass the Republican-controlled Senate to become law. The first hurdle was finding a GOP sponsor, which the combination of Lopez's wrangling and the BLWC's lobbying overcame by convincing Manhattan Republican Roy M. Goodman to sign on.

But that does not ensure passage. As Lopez explained, the key to influencing conservative Senators is phrasing the issue properly. "You can't say it's a tenants' rights issue, because that'll get you DOA [dead on arrival] with the Republicans. You have to present yourselves as artists and part of a renaissance."

The city, meanwhile, is proposing an alternative statewide law that would restructure the 19-year-old regulatory system governing loft dwellings. It would also set deadlines for converted commercial buildings to obtain certificates of occupancy: two years for the still-uncertified buildings covered by the old law; five for those throughout the city affected by the new one. The goal is to prevent a future round of illegal conversions. But the BLWC opposes the bill since it would eliminate the Loft Board that currently oversees "interim multiple dwellings," housing code for lofts.

"Until the city shows signs of a will-

# WEALTH TRUMPS HEALTH IN POWER PLANT RULINGS

By Heather Haddon

New Yorkers were reminded once again that money and clout help to gum up the political works. In a back and forth court battle, wealthy interests in Queens went to court and stopped construction of a mini-power plant, only to be trumped by the state government in another ruling.

The New York Power Authority (NYPA), with the backing of Mayor Rudolph Giuliani and other politicians, has already started constructing 11 mini-power plants. Seven are planned for Brooklyn and the Bronx and just two for Queens.

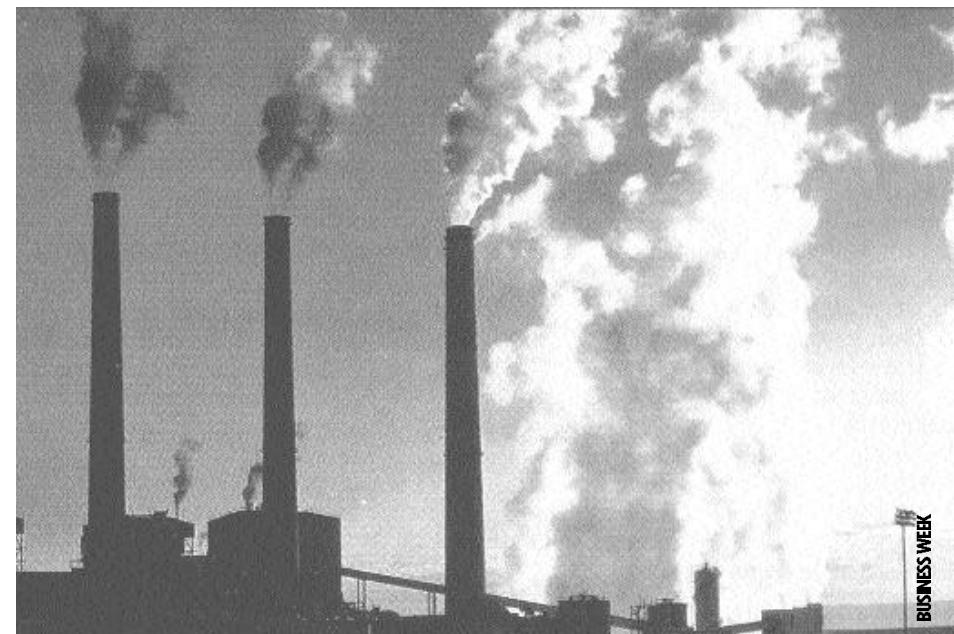
In an early April ruling in a state court in Queens, Judge Joseph Golia ruled in favor of a big-budget lobby in halting construction of a Long Island City plant until a more "open and deliberate" environmental review can be conducted.

Days after, in a case tried before State Supreme Court Justice Lawrence Knipel in Brooklyn, approval was granted for the other 10 plants to move forward despite protests from scores of community groups and politicians.

Judge Knipel came to the completely opposite opinion, despite using "some of the same cases as examples to back up his decisions that Judge Golia used in the Queens case," stated Mary Ziegler of Williamsburg Watch, one of the community groups behind the lawsuit.

According to another veteran environmental activist, there is little question why the Queens project was stalled.

"They had a lot more money to conduct air and soil sample tests and hire expert witnesses," remarked Deborah Masters, noting that the Queens law suit's



legal fees were undertaken by Long Island City's Silver Cup Studios production company that produces HBO's "The Sopranos" and "Sex in the City."

"Our non-profit lawyers didn't have the same financial backing," said Masters of the New York Lawyers for the Public Interest (NLPI), who jointly oversaw the case with the New York Public Interest Research Group.

But the Queens plaintiffs were slapped down in mid-April by a Brooklyn appellate division justice, who overturned the Queens Court stop work order.

Borough presidents from the Bronx and Brooklyn criticized the legal outcome. "When the power authority needs to construct new generators that could foul the air with dangerous toxins," said the Bronx's Fernando Ferrer, "the state

immediately looks to Black and Hispanic neighborhoods in the outer boroughs."

Even NYPA and the state publicly acknowledged that race and class matter when it comes to power plant placement.

"I think we have an incipient crisis," said state Attorney General Eliot Spitzer after learning of a report by the Authority acknowledging plants were placed in low-income, minority communities.

Refusing to disclose their findings, NYPA's report was first made public by the *New York Times*. The State Assembly soon subpoenaed officials from the Authority, the Department of Environmental Conservation, and other members of Pataki's administration to respond to assertions by activists that evidence of environmental racism was indisputable.



Republican State Senator Roy Goodman has agreed to sponsor a Brooklyn loft bill.

ingness to compromise on some of [these] issues...we are continuing to pursue passage of our bill in the Republican-controlled Senate," vows Peggy Reynolds of the Live/Work Coalition. "All we need to do is convince eight more Republican senators to vote in our favor . . . convince the Governor to sign the bill they pass, and we here in Brooklyn and beyond will have parity with Manhattan."

Coalition members concede that because the city is overwhelmingly Democratic, they will have to build support throughout the state for the bills.

# COURT RULING UNDERMINES INDEPENDENT REVIEW BOARDS

By F. PRECOSI

A recent decision on mayoral authority by the New York Appellate Court could endanger the independence of a number of oversight agencies, including the Civilian Complaint Review Board that investigates allegations of Police brutality. The Appellate Division, in a unanimous decision, reversed the decision of a lower court, striking down 1997's Local Law 91, which provided for the creation of an independent Investigation and Audit Review Board (IARB) to ferret out police corruption.

The Board was to be a companion to the Civilian Complaint and Review Board (CCRB) that was created to investigate allegations of police brutality. The central controversy arose over the method by which members of the newly created board would be selected. Under the City Charter, the mayor normally has power over independent agencies. However, in numerous instances, a compromise solution, is used to share power more equally, and give agencies a measure of independence. Such a compromise was used in the creation of the CCRB, and it was used in the creation of the IARB. The compro-

mise allows for the Council to nominate or "designate" candidates for a limited number of the seats on each board, and grants to the police commissioner the same power of designation. The mayor then has sole authority and discretion to appoint members to the board. A similar device was used by the Street Vendor Review Panel and the City's Campaign Finance Board.

The State Supreme Court found the precedent that the CCRB set, and the fact that the mayor seemed to accede to it, meant that the similar IARB process did not infringe upon his powers.

The Appellate Division of the State Supreme Court, however, ignored the history and precedent set by previous compromises, and declared that any compromise that limits the mayor's power of appointment is invalid, and struck down the law creating the IARB. In so doing, they put all earlier compromises at risk, and greatly strengthened the role of the mayor in overseeing the police department. Now, the next time an officer goes before the CCRB, they may be able to challenge the body in court as illegally formed.

# DELI WORKERS FIGHT MARKET FORCES

## GREENGROCER UNION DRIVE MEETS RESISTANCE FROM OWNERS

By JOSHUA BREITBART

Outside of Valentino's market on 5th Ave in Manhattan, a crowd of Blacks and Latinos under the banner of the Korean Anti-Discrimination Association (KADA) are calling for a boycott. They say the working conditions inside are unfair and the employees have been forced to join UNITE! Union Local 169. But inside the store, all is calm and most workers wear hats and t-shirts emblazoned with the UNITE! logo.

"The people [outside] are clearly not a union and are only there to bust a union," says Linda Perlstein, who adds she shops at Valentino's because it's unionized.

When asked if any Korean people were involved with KADA, one member of the picket, Eric Ridgeied, said, "Yeah. The owner of that store," and pointed to a grocery store across the street, East Natural. KADA appears to be a tool for the store's owner, Jacob Han, who owns a total of three groceries and is vociferously opposed to the organizing efforts.

After two years, East Natural had become the focus of local 169's greengrocer campaign. Fueled by some successes and energetic workers, the campaign seems to be gathering steam. On March 28, over 100 protesters gathered for an hour-long rally at East Natural before forming roving pickets to target stores of the most intransigent owners.

At the rally, surrounded by workers and supporters from the Community Labor Coalition and the Student Labor Coalition, union organizer Jerry Dominguez told the crowd, "We are stopping in front of different greengrocers to tell the employers that we are here, the workers are here and we are tired of the exploitation."

Angel Cortéz, an employee of East Natural, told this reporter through a translator of receiving far less than the minimum wage for arduous workweeks of up to 70 hours. Cortéz said he wants "to get respect, decent pay, vacation, benefits, overtime and whatever is possible for the workers, but respect more than anything else." The union contract at Valentino's includes a health plan, rules governing overtime, vacation days and a grievance procedure.

As the evening wore on and the gathering in front of East Natural swelled, the police strained to keep the sidewalks and streets clear. Many interested onlookers

received informative flyers and some chose to join the rally.

The march by workers, supporters and organizers wound a two-mile path from East Natural at 61 5th Avenue to seven other delis and groceries in the 14th Street area. Moving from one grocery store to the next, protesters formed pickets to discourage shopping at the targeted stores. They chanted, "No more green sweatshops!" and "Union Power," and waved signs of "Salad: \$4.99/lb. Wages: \$3.50/hr." making their grievances clear to store owners and onlookers.

Though a handful of customers ignored the calls of "Boycott! Boycott!" and "Shame! Shame!" the store owners spent most of the evening alone listening to chants of "Empty! Empty!"

The state Attorney General estimates that as many as 14,000 people work in 2000 greengroceries throughout the city.

When asked about the difficulty of organizing so many workers in so many different places, UNITE! Local 169 organizer Jose Schiffino was unfazed. "The fact that they're all getting exploited unifies them."

After another rally on April 4, supported by members of the Student Labor Coalition from NYU and The New School, the Korean Merchants Association of Greater New York asked the union for a temporary truce.

The picket at East Natural eased up, but it was then that KADA launched its campaign against the Korean-owned Valentino's market, claiming the owner was racist and Local 169 was illegitimate.

Supporters of the unionizing effort say KADA threatened workers, organizers and customers. Others add that KADA is paying people to picket the union store. "Everybody's scared of them. They're yelling, they follow you," said Charlie Oh, the manager of Valentino's, of the KADA protesters. He says they've cut business by 50 percent and their audible chanting is creating a stressful working environment.

Explained Schiffino, "They're trying to scare other Korean stores into the protection racket," referring to the union-busting tactic of forcing workers to join a owner-controlled union.

Schiffino also believes KADA is promoting confusion. "KADA is trying to turn it into a racial issue by distorting the facts. So is the major media. Our job is to

get everyone in New York City to realize that this is about exploitation and labor violations, not about ethnic minorities not getting along for some 'natural' reason." Schiffino points out that organizers in this campaign speak Arabic, Creole and Chinese in addition to English and Spanish, and that the owners of Valentino's and many other unionized greengrocers are Korean.

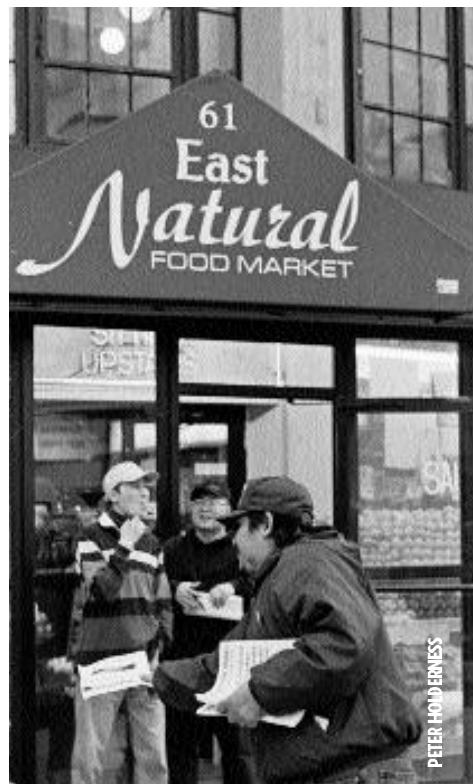
"What they're trying to say doesn't make any sense," said Charlie Oh of KADA's claims of racism and worker exploitation. "We do the business. We pay the taxes. We pay the employees... If they want to fight the union they need to fight the union, not an innocent store."

In an attempt to counteract KADA, Valentino's is displaying the UNITE! emblem and the Korean flag in its windows. Workers and supporters are handing out flyers that explain the situation to potentially confused passers-by and residents. But many do not speak English as their first language and they have to contend with the physically much larger KADA leaflets hovering nearby.

UNITE! is also working with the state Attorney General's office on lawsuits against the greengrocer owners for failure to pay minimum wage or overtime. Dominguez supports this strategy, but thinks that stronger tactics are going to be needed to put pressure on the owners. "Money is not a problem for them. You can get money, but that doesn't end the exploitation."

Faced with the need to support Valentino's, the picket at East Natural remains suspended. The greengrocer workers and their supporters are meeting to discuss new tactics, but they are determined to win. Schiffino warned, "Until we change this entire industry, we're not going to let go in this city."

(Additional reporting by Aries de la Cruz, Tarikh Korula and Peter Holderness.)



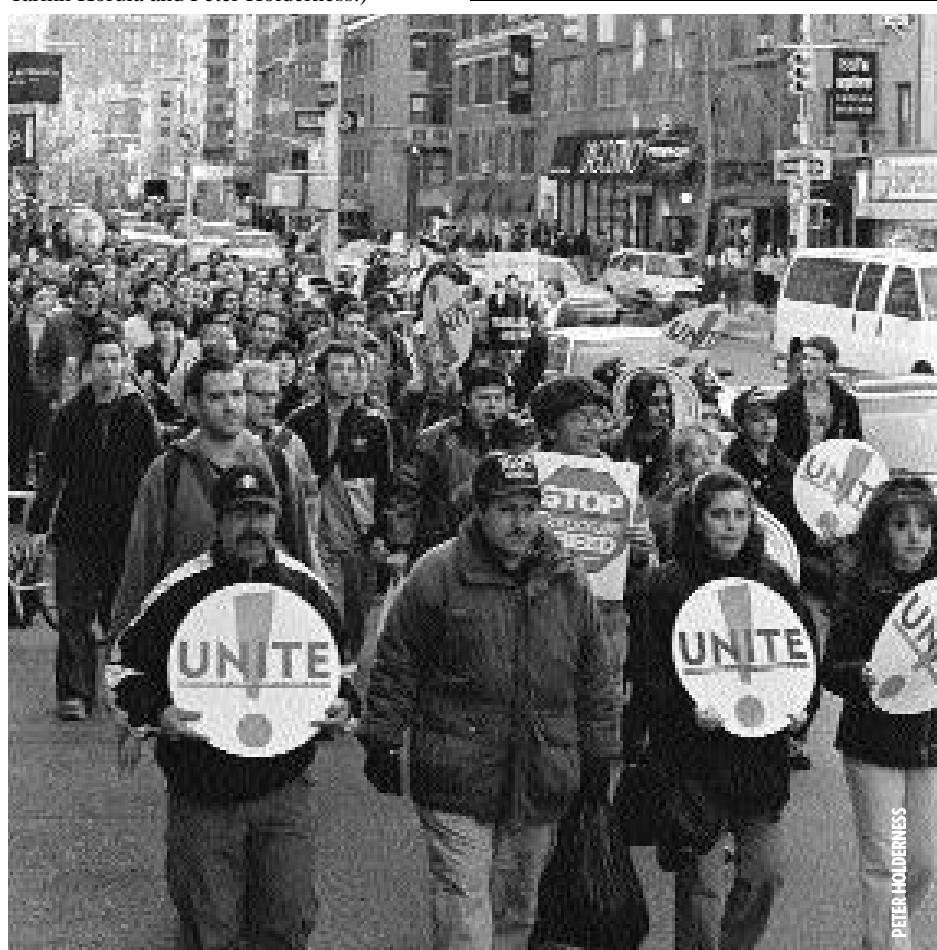
PETER HOLDERNES

### UNITE! Local 169 stores:

Adinsa's, 262 E. 2nd St.  
Hee II Market, 137 E. 1st Ave.  
Fuji Market, 197 1st Ave.  
Sunny & Annie grocery, 94 Avenue B  
1st Ave. Gourmet Deli, 196 1st Ave.  
Valentino's, 74 5th Ave.  
Food & Vegetable, 118 1st Ave.

### Stores that refuse to allow unions

East Natural, 5th Avenue & 13th St.  
University Place Gourmet, 13th St. &  
University Place  
Modern Gourmet, Broadway & 11th St.  
Piece & Total, 847 Broadway  
Fraiche, 213 Park Ave. South  
Lucky Deli, 137 5th Ave.  
Lee's Gourmet, 97 5th Ave.  
Abigail's, 75 5th Ave.  
Soho Natural, Spring & Crosby St.



PETER HOLDERNES

# DROP THE

## A DAY OF ACTION AND EDUCATION IN ALBANY

About 2000 people from all over the state marched on Albany March 27 to demand repeal of the Rockefeller drug laws. Filling the steps outside the state capitol and the halls inside, the group combined a large rally with nearly 200 separate lobbying sessions to galvanize supporters and pressure legislators.

For those traveling on one of more than 20 buses from New York City, the day began at 6:30 a.m. Four hours later, Wilborn Temple was overflowing with supporters. Five hundred people went to the basement to prepare for their day of lobbying while the rest listened to speakers and percussion music from the Jazz Beatniks.

Many had personal reasons for being there. "I know a lot of people who have been to jail because they were found with a little bit of weed on them, or crack on them and now they're in jail for 15 to 20 years," said Ebony Grant, 13 of Chelsea, Manhattan. "And rapists go to jail for five to ten, and that's worse than having drugs on you. [So] we're going to march and chant and try

to get the law out of there."

The march from the temple to the steps was led by hundreds of young people who had taken the day off from school to carry their message to Albany. The crowd behind them included college students and senior citizens, activists and recovering addicts, churchgoers and former prisoners.

Elaine Bartlett, who was imprisoned in Bedford Hills because of the Rockefeller Drug Laws, described the crowd as, "Blacks and Hispanics, the people that are being affected by these laws. I don't see any drug kingpins and in the whole 16 years that I was incarcerated, I have yet to meet one kingpin." She also said she planned to tell legislators she would be meeting with later that day that "they need to take that money and stop putting it into the prisons and put it back into the communities, back into education for the youth which you see here today... And stop incarcerating these kids."

(Contributed by Simba Rousseau and Joshua Breitbart.)



## GOV. PATAKI'S PROPOSED REFORMS FALL SHORT

BY STEVEN WISHNIA

Amid much hype in January, Gov. George Pataki proposed reforming New York State's Rockefeller drug laws, whose 15-to-life mandatory minimum for possession of four ounces of cocaine or heroin is among the harshest drug penalties in the nation.

Protests against the laws have been growing for several years. Most of the state's 21,000 drug prisoners are not the big-time dealers the laws were aimed at, but low-level dealers or addicts, jailed for less than a few hundred dollars worth of drugs. And 94 percent of them are Black or Latino. Pataki's bill would reduce the 15-year penalty to 10-to-life. It would also allow judges to

sentence first offenders charged with possessing up to a half-ounce of cocaine or heroin to treatment instead of prison. "This is a Republican governor proposing the first real reform to the Rockefeller drug laws ever," says Caroline Quartararo, Pataki's spokesperson for criminal-justice issues.

Yet the real story is more complex. Only about 600 people are serving the 15-to-life maximum. Most of the state's drug prisoners are small-time dealers with prior felony convictions; the Rockefeller laws give a 4 1/2-year minimum for second-offense sale of any amount of cocaine or heroin. Randy Credico of the Kunstler Fund for Racial Justice points to the case of Darius King of

Queens: With one prior weapons conviction, he got sentenced to 11-to-22 for selling \$5 worth of cocaine.

Pataki's proposal would reduce the penalty for second-offense sales to four years. "It wouldn't really affect the vast majority," says Deborah Peterson-Small of the Lindesmith Center-Drug Policy Foundation. It also would increase penalties for marijuana offenses.

A group of mostly Black Democrats in the state legislature, led by Assembly member Jeffriion Aubry of Queens and State Senator Velmanette Montgomery of Brooklyn, has introduced a bill that would allow second felons treatment. The bill (S00840 in the Senate, A02823 in

the Assembly) would also increase judges' discretion to impose lesser sentences if they believe the statutory minimums are "unduly harsh," increase defendants' latitude for plea-bargaining to lesser offenses and let prisoners apply for reduced sentences retroactively.

Despite bipartisan support for changing the laws, action this year is far from certain.

Similar proposals by Pataki and Aubry failed in 1999, as the governor wanted to abolish parole and Assembly Speaker Sheldon Silver, a Democrat, balked for fear of being labeled "soft on crime."

One sticking point is that Pataki wants to eliminate parole for drug felons, replacing indeterminate sentences, such as five-to-15 years, with a requirement that prisoners must serve at least 85 percent of their terms. "Until that demand is off the table, we're not going anywhere," says Joseph Haslip, chief of staff for State Sen. David Paterson (D-Manhattan).

The strongest opposition to any change has come from the state's prosecutors. "We have the jump on violent crime now," says Mary de Bourbon, spokesperson for Queens District Attorney Richard Brown. "To weaken the laws would be a terrible mistake."

De Bourbon argues the law is not packing the prisons with small-time dealers. Four ounces of cocaine, she claims, is worth almost \$100,000 on the street. (In reality, the price of cocaine has fallen drastically since the laws were enacted.)

Robert Gangi of the Correctional Association of New York — which is leading a campaign against the laws — was at first optimistic, saying that Pataki's announcement "represents a political breakthrough more important than the details." But he suspects the prosecutors' criticisms have gotten to Pataki, calling the marijuana and parole provisions "unwelcome surprises."

The Rockefeller laws were born in 1973, when Gov. Nelson Rockefeller, pondering another run at the Republican presidential nomination, was trying to position himself as "tough on crime." Nearly 30 years later, they remain among the toughest in the nation. Michigan and Texas give comparable prison terms for possession of around a pound of heroin or cocaine.

Ironically, four ounces of cocaine or heroin was a significant amount of drugs in 1973. Cocaine sold for \$100 a gram, at a time when the

(continued on next page)



# ROCK

*"We have never been closer. Thirty years of imprisonment and pain is about to end."*

—Assembly member Jeffrion Aubry, sponsor of the bill that would repeal the Rockefeller Drug Laws, March 27, 2001



(continued from previous page)

minimum wage was \$70 to \$80 a week and you could rent an apartment for \$100 a month in New York's poorer neighborhoods. (Another of Rockefeller's legacies was his disastrous attempt to eliminate rent controls.) And with street heroin as little as 3 percent pure, four ounces of heroin could have been worth thousands of dollars.

The laws did little to stop the drug market. Heroin resurfaced in the late '70s, and crack flooded the city a decade later. Today, the retail price of cocaine is around \$40 a gram, and street heroin is as much as 70 percent pure.

But they did pack the state's prisons; 31 percent of its prisoners are drug offenders. The increase in the state's annual prison spending from 1988 to 1998 — the roughly \$700 million cost of locking up drug offenders — almost exactly matches cuts in funding of the State University of New York. Today, Deborah Small-Peterson told a Harlem community forum last February, more Black men go to the state's 71 prisons than graduate from SUNY's 34 four-year colleges.

Government officials are uncomfortable trying to account for why drug prisoners are almost all of color; Blacks and Latinos use and sell drugs at pretty much the same rate as whites. "In our office, we don't know what color the defendant is," says de Bourbon. "We only put in prison people who are convicted," says Quarararo.

The 15-to-lifers get the most publicity, and the DAs argue that the laws are snaring big-time dealers, but most of New York's drug prisoners are hard-core small-timers. "I never saw a kingpin in prison," says Anthony Papa, who served 12 years of a 15-year sentence for cocaine before being granted clemency by Pataki. Elaine Bartlett, who served 16 years of a 20-to-life sentence for delivering cocaine, says most of the women she was in with were users or mules. Terrence Stevens, wheelchair-bound by muscular dystrophy, says that the prisoners he was in with at Green Haven came mainly from a handful of New York City's poor neighborhoods — Jamaica, East New York, Bedford-Stuyvesant and Harlem.

"We're not saying we didn't do anything wrong," Bartlett told protesters outside the Queens County courthouse February 28. "What we're saying is that the time doesn't fit the crime."

(Steven Wishnia is senior editor at *High Times*. A version of this article originally appeared on *Hightimes.com*.)

## Get Involved:

(all events are free and open to the public)

"These events are not just about mobilizing numbers, they're about educating people, targeting legislators, keeping the youth focused and making connections with other aspects of the Prison Industrial Complex."

— Tamar Kraft-Stolar of the Correctional Association.

### Monday, April 30

First weekly Manhattan support group for prison families and friends, ex-offenders, and interested community members  
2:00PM-5:00PM at St. Francis of Assisi Church, Adult Education Center, Classroom #1, 139 W 31st St, New York, NY 10001

More info: Alison Coleman, Director, Prison Families of New York, Inc., (518) 453-6659

### Tuesday, May 1

Law Day Rally to Urge Fair Representation of New York's Needy

10:30AM at State Capitol Steps, Albany, NY

Transportation: Buses will leave from the

NYC Bar Association at 7:00AM

(Reservations are REQUIRED)

More info: Jayne Bigelsen, Director of Legislative Affairs, NYC Bar (212) 382-6655

### Sunday, May 6

Second Annual New Paltz Rock Against Racism Concert/Rally, sponsored by New Paltz NORML, New Paltz SSDP (Students for Sensible Drug Policy), and the Student Association of SUNY at New Paltz  
2:00-10:00PM at SUNY New Paltz  
More info: Rob Robinson, (845) 255-7609 or [dsproductions@marijuana.com](mailto:dsproductions@marijuana.com)

### Tuesday, May 8

"Mothers of the Disappeared" protest against the Rockefeller Drug Laws led by William Moses Kunstler Fund; with Margaret Kunstler, Judge Jerome Marks, Professor Irwin Corey, Elaine Bartlett, Terrence Stevens, Tony Papa, Jan Warren, Migdalia Martizez, Spanish Civil War Vet Jock Stockwell; Hosted by Al "Granpa" Lewis  
At Pataki's New York City Office, 3rd Ave between 40th and 41st Streets  
More info: Randy Credico, The William Moses Kunstler Fund, (212) 539-8441, [www.kunstler.org](http://www.kunstler.org)

### Tuesday, May 8

"Drugs and the Courts: A Debate"; A debate on the report to Judge Kaye by the Commission on Drugs and the Courts moderated by Charles Grodin  
7:00PM at the House of the Association of the Bar of the City of NY, 42 W 44th St.  
More info: The Association of the Bar of the City of NY (212) 382-6600, [www.abcnyc.org](http://www.abcnyc.org)

### Friday, May 11

Mothers in Prison, Children in Crisis Rally for mothers in prison to demand alternatives to incarceration for non-violent offenses  
9:00AM at Manhattan Criminal Court Building, 100 Centre Street, New York, NY  
(Assemble at Thomas Paine Park at 8:30AM-one block west)  
More info: Mary Elizabeth Fitzgerald or Jessica Dias, JusticeWorks Community, (718) 499-6704, [www.justiceworks.org](http://www.justiceworks.org)

### Sunday, May 13

Isidro Aviles Memorial Mother's Day March for "all of the mothers that are separated from their children because of harsh mandatory minimum sentencing laws. This march will be held in memory of Isidro Aviles who lost his life due to the war on drugs."  
More info: Teresa Aviles, [taviles@fpa.org](mailto:taviles@fpa.org)

### Friday, June 15

Drop the Rock New York City: Rally, March and Cultural/Educational Festival to Repeal the Rockefeller Drug Laws  
2:00-4:00PM Rally in front of the Harlem State Office Building (125th and Adam Clayton Powell Blvd) 4:00-5:00PM March to Marcus Garvey Park (124th and Madison) 5:00-7:30PM Cultural Educational Festival in Marcus Garvey Park.  
More info: Tamar Kraft-Stolar, Correctional Association of NY, (212) 254-5700 x306

## WHAT THEY SAID

Right to left, three of the thousand young marchers say why they went to Albany.

"The President," Soundview, BX "I believe that we should Drop The Rock because a lot of my friends have been locked up for just being there during sweeps."

Latoya Davis, Harlem "I came here to let people know that it's a problem in our communities and it's affecting us all, and I came here to try to change that... As a youth, we have big heads, but most of what we say are things that could change our community, our world for the better. That's what I came to do. One voice is a loud voice, and that's my voice."

Kute Tonge, Harlem "We just came to bring positive vibes and try to get your opinion out there cause it's messed up how it costs more to put someone in jail yet they don't want to put you in school to be successful."



## Drug War, by the Numbers

Nearly 60% of the over 21,000 drug offenders imprisoned in New York State were convicted of the three lowest felonies — Class C, D, or E — which involve only minute drug amounts. Of all drug offenders sent to state prisons in 2000, nearly 80 percent were never convicted of a violent felony.

In 2000, over 44 percent of the people sent to state prison were drug offenders. In 1980, the figure was only 11 percent.

Whites make up 82 percent of admitted drug sellers; Blacks and Latinos, 16 percent. However, African-Americans and Latinos comprise about 94 percent of the drug offenders in New York State prisons.

Seventy percent of New York State prisoners are from New York City — almost all from poor communities of color. However, two-thirds of all prisons are located more than three hours from the city.

The state has recently spent nearly \$2 billion to build prisons and spends over \$675 million annually on operating expenses.

A 1997 study by RAND's Drug Policy Research Center found that treatment is 15 times more likely to reduce serious crime than mandatory minimum sentences. The cost of keeping an inmate in NYS prison for a year is about \$32,000. In comparison, the cost of most drug-free outpatient care runs between \$2,700-4,500 per person per year; and the cost of residential drug treatment is \$17,000-\$21,000 per participant per year.

Since 1982, New York has opened 38

prisons, not counting annexes, all in rural, mainly white areas, all represented by Republican State Senators. Ninety-three percent of state inmates (66,444/71,466) are imprisoned in these areas, where prison expansion is commonly viewed as economic development. Over 30,000 people now work in the prison system. In addition, areas that house prisons receive a total of \$1.1 billion in extra public funding to offset related operating expenses.

According to a recent Zogby International poll, 64 percent of the public do not consider a legislator who votes for drug law reform "soft on drugs" and 74 percent chose treatment over jail/prison for those convicted of drug possession, while only 19 percent chose jail/prison.

(Compiled by the Correctional Association, February 2001)

# CHAPTER 11: NAFTA'S FILE OF MORAL BANKRUPTCY

(continued from page 1) market value of their shares was caused by a government action can file a claim — even without the consent of the local company.

"Chapter 11 represents a bizarre super-judicial process that is an outrageous affront to our democracy," added Canadian Auto Workers economist Jim Stanford in an interview with the leading Canadian weekly news-magazine, *MacLean's*. "It provides corporations with unique powers — which no one else has — to challenge government policy shifts. I fear that the FTAA we get could look like the NAFTA we have."

In response to the criticism, Canadian Trade Minister Pierre Pettigrew told the *Toronto Globe and Mail* in December that he will not sign the FTAA pact if it extends Chapter 11 to the entire hemisphere.

Others aren't waiting for action from the trade ministry. On March 28, the citizen-based Council of Canadians and the Canadian Union of Postal Workers filed a lawsuit in Ontario's Superior Court of Justice to overturn Chapter 11. The groups charged the provision has "undermined their government's sovereign right to protect its citizens' health, safety and well-being through the courts and the regulatory system," the Los Angeles Times reported. The groups also argued that Chapter 11 violates the Canadian Constitution's guarantee of "equal treatment before the law" by giving additional rights to private investors.

Below is a sampling of some cases where corporations sued NAFTA member nations.

#### **The Case:** *S.D. Myers Inc. v. Government of Canada*

**The History:** On October 30, 1998, the Ohio-based S.D. Myers corporation filed a claim against Canada charging a temporary ban on exporting polychlorinated biphenyl waste (PCBs) from Canada violated NAFTA regulations by prohibiting the waste disposal outfit from conducting business there. The corporation claimed damages of at least \$20 million. A spokesperson for the Canadian government said the ban was imposed because it was unable to determine if U.S. procedures for PCB

disposal met the requirements of the Basel Convention on the Control and Transboundary Movements of Hazardous Wastes.

**The Outcome:** In November 2000, a secret tribunal upheld two of S.D. Myers' four claims, determining that there was "no legitimate environmental reason for introducing this ban." This became the first NAFTA Chapter 11 case involving Canada to be decided. The tribunal determined Canada implemented the ban as a protectionist measure to give the work to a domestic facility in the province of Alberta. Canada is appealing the case.

**Of Note:** The decision will have no real effect on the export of PCBs since the U.S. government banned PCB imports in August 1997.

**Quotable:** Lori Wallach: The "lawsuit shows that trade agreements will be used to subvert environmental goals; an occurrence that the U.S. government repeatedly denied would happen under NAFTA."

#### **The Case:** *Ethyl Corp. v. Canada*

**The History:** In April 1997, Canada passed the Manganese-Based Fuel Additives Act banning the import and transport between provinces of the controversial gasoline additive MMT, which is a manganese-based compound used to reduce engine "knocking." U.S.-based Ethyl Corp., the world's only manufacturer of MMT, sued for \$251 million claiming the ban constituted "regulatory taking" since there was not enough scientific data supporting the ban. Ethyl also pointed to the absence of a ban on producing the additive in Canada to argue that it was receiving unfavorable treatment — despite the complete lack of any Canadian manufacturers.

Ethyl even claimed in its suit that "legislative debate" in Parliament was "expropriation of its assets... because public criticism of MMT damaged the company's reputation."

**The Outcome:** In a settlement with Ethyl, the Canadian government agreed on July 20, 1998, to rescind the ban, pay \$13 million to cover damages and legal costs and to publicly proclaim that MMT is "safe," agreeing that not enough scientific study had been done to prove otherwise.

**Of Note:** In a study of 306 people in Southwestern Quebec, Donna Mergler of the University of Quebec correlated manganese blood levels with neurological problems, especially in children and the elderly.

**Quotable:** "The Canadian government has gotten the critical issue backwards," says Karen Florini, of the New York-based Environmental Defense Fund. "The key point is not that there are scientific uncertainties about whether MMT is toxic, it's that there's not enough information to show that MMT is safe. [MMT's use] is tantamount to experimenting on the Canadian public."

#### **The Case:** *Sun Belt Water v. Canada*

**The History:** In 1996, British Columbia banned the export of water to protect its fresh water supply. At the time there was public outcry fearing large amounts of water from British Columbia would soon be flowing to California. The California-based Sunbelt Water Inc. filed a Chapter 11 claim seeking \$468 million in damages for "lost business opportunities" since the firm had a contract to supply the Californian town of Goleta with water from the privately owned Snowcap Waters of Fanny Bay in British Columbia. When the B.C. government placed a moratorium on bulk water exports by container ships, Sunbelt sued.

**The Outcome:** Pending

**Of Note:** Canada has 20 percent of the world's fresh water supply. The United States has one-tenth of Canada's fresh water, but nearly nine times as many people.

#### **The Case:** *Metalclad Corporation v. Mexico*

**The History:** During the mid-nineties in the Mexican state of San Luis Potosi, state and local officials blocked the opening of a new \$20 million toxic waste storage facility owned by the U.S.-based Metalclad Corp. The state government found the facility would contaminate the local water supply. On January 2, 1997, Metalclad filed a claim against the Mexican government seeking more than \$ 90 million in damages.

**The Outcome:** In August, 2000 A secret NAFTA tribunal backed Metalclad, ordering Mexico to pay \$16.5 million plus interest in damages. An appeal by Mexico under Canada's domestic arbitration law is pending, though Metalclad has charged the tribune's decision can not legally be appealed. In February, the Canadian Department of Foreign Affairs and International Trade, as well as the Province of Quebec, announced it was backing Mexico in the appeal. A decision was expected in mid-April.

**Quotable:** "The NAFTA does not eliminate the obligation of foreign investors to comply with state and local laws," stated the Mexican government in response to the ruling.

#### **The Case:** *United Postal Services v. Canadian Post*

**The History:** UPS is seeking \$156 million in damages claiming that the Canadian government's monopoly over regular mail illegally subsidizes Canadian Post's courier and express-mail service. Oddly, UPS argues the United States Postal Service is guilty of the same crime but under NAFTA's Chapter 11 the U.S.-based UPS can only file suit against foreign governments.

**The Outcome:** Pending

**Of Note:** UPS has gone after other national postal services, charging them with anti-competitive practices. In a case filed by UPS, the European Commission last month fined the German post office \$22 million and ordered the Germans to spin off its small-package division.

**Quotable:** "The UPS challenge is significant because it contends that the very existence of our postal system constitutes unfair competition," stated Maude Barlow of the Council of Canadians. "By this logic, every public service from health care to education to the CBC [Canadian Broadcasting Corporation] could be threatened by lawsuits costing Canadians billions of dollars."

## NAMIBIA'S "GAY PURGE"

In a crusade against gays escalating since March, Namibian President Sam Nujoma recently stated that gays would be barred from entering the country through its airport.

Nujoma, a hero from the Namibian independence war from South Africa, also recently equated homosexuality with a new evolution of European imperialism.

On March 19, Nujoma told local university students that "The Republican of Namibia does not allow homosexuality, lesbianism here." He added that gays should be arrested, imprisoned and deported from the Southern African nation.

Nujoma has repeatedly stated that homosexuality is "unnatural," anti-Christian and "the devil's work."

Many other Namibian political leaders have supported Nujoma's calls for a "gay purge." Minister of Agriculture Helmut Angula recently said that homosexuality and alcoholism were "evils that were befalling the country." Home Affairs Minister Jerry Ekandjo instructed policemen last year to "eliminate" gays and lesbians from the face of Namibia."

Amnesty International issued a public statement citing Nujoma's prejudices as unconstitutional; while local human rights groups have criticized the president's attacks as undemocratic.

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# CANADA PUSHES ACTIVISTS OVER THE BORDERLINE

By HEATHER HADDON

Even as Quebec City officials prepare an open-armed welcome for thousands of free traders, activists organizing against the hemispheric trade pact known as the FTAA are getting the cold shoulder at the Canadian border.

Roughly 100 individuals with previous arrest records or deemed "criminally suspicious" by Canadian immigration officials have been turned away at the border since late January, according to activists. With individuals running into "brick walls" at crossing points large and small, many activists express concern that they will be unable to attend the Anti-Capitalist Convergence or the People's Summit scheduled for April 20.

Richard Saint-Louis, spokesperson for Canada's Citizenship and Immigration Office, claims the border patrol is not implementing special procedures, but concedes "increased vigilance" of crossing points is underway. Documents recently distributed to police stipulate that individuals who might pose "a danger to the public" or who "elude examination" may be detained.

"Officials are being given the widest possible latitude to make 'reasonable assumptions' that any particular person poses a security threat," says Eric Laursen, New York Direct Action Network spokesperson. Laursen says he and 10 others were recently denied entry into Canada to attend an anti-FTAA assembly.

"Criminal convictions" have been a widely used excuse, with absolutely no reference to what those convictions were for, but plenty of other people who didn't have them have been turned away as well," adds Laursen.

When attempting to cross in March, a journalist with the New York City Independent Media Center was told by a Canadian border guard, "sometimes we just get a feeling about who should be turned away."

Many of those who've experienced trouble crossing the Canadian border share similar stories of authorities cross-checking their names against an international database of activists who have been arrested at protests. Commonly asked questions by immigration officers include: "Have you ever been before a judge?" and "Where you in Seattle?"

"The border officials have done their homework about the groups who are coming," says another New York activist, whose car was searched. A black tee shirt found by guards led to accusations that they were members of the militant "black bloc."

Canadian officials claim they are conducting searches to protect the safety of people and property in Quebec; activists counter the real intention is to prevent them from duplicating the scale or intensity of the protests during the 1999 trade talks in Seattle.

In the process, "officials have searched people's personal possessions, made copies of personal documents, and otherwise shown no regard for people's right to be secure in their possessions," says Laursen.

In one account, a video activist crossing in March was charged with "illegally smuggling weapons" and turned away. The alleged weapon? A pocketknife.

Other countries that plan to sign the deal dropping barriers to the flow of goods and capital, have been turning away dissenting voices. Approximately 1,000 Brazilian protesters were prevented from crossing multiple entryways to attend an early April rally in the Argentinian capital of Buenos Aires. Officials made the activists — mainly union workers, landless peasants and students — sign documents designating them as "pseudo-tourists" who could not cross the border, according to a Reuters article.

"This has become a diplomatic conflict," says Lucia Simoes, a director for the World Social Forum, an international anti-globalization group, about the denial of entry despite proper immigration papers.

Some free trade critics are campaigning against the



security clampdown at the border and in Quebec City. Journalist Naomi Klein and the Canadian Civil Liberties Union have been circulating a petition that asserts, "The right to freedom of movement across borders extends not just to trade and tourism but also to political rallies, conferences and protests."

The New York Ya Basta Collective, which is modeled after the Italian direct action group of the same name, is issuing mock "World Passports" granting holders the unfettered right to cross "the imaginary line at the Canada/U.S border."

Other activists have tried to inject levity in their border-crossing attempts. In early April, 10 New York City protesters arrived at the border decked out as NAFTA-sanctioned goods. "While certain goods and capital can cross borders freely, activists and others are not granted the same... rights," said one protester dressed as a gigantic dollar bill. The group's sartorial splendor, which included heads of lettuce and genetically modified tomatoes, failed to impress border guards, who sent them packing.

While some organizers are advising protesters to "look normal" and have "credible contacts" during the Summit of the Americas, others are establishing alternative crossing points. On April 19, some members of the Mohawk Native Peoples — whose Akwasanee community straddles the New York-Canadian border — say they will allow activists to cross into Canada as "an assertion of sovereignty and an opportunity to expose the conditions Mohawk and Indian people generally live under."

Once across, a procession traveling east from Ontario will erect its own "barriers." The group plans to travel on the "NAFTA Free Trade Corridor" Hwy 401 "very slowly, creating a clogged artery."

For those denied entry, protests are planned at U.S. border crossings with Mexico and Canada. Rallies have been confirmed for Vancouver, Burlington, Tijuana, Buffalo and San Diego. Local U.S. police forces, though, have already indicated that they will be tracking protesters at these spots as well.

## CANADA 'PREPS FOR WAR'

By MIKE BURKE

"If you want peace, you must prepare for war." That's how Quebec's Public Security Minister Serge Menard justified the nation's largest security effort ever in preparation of the Free Trade Area of the Americas summit.

Some 6,000 police officers, including 3,000 from the Royal Canadian Mounted Police (RCMP) and 2,000 from the Quebec provincial police will be on duty.

The Canadian Armed Forces has trained 800 riot police and three members of the Washington D.C. police department's Improvised Device Unit trained Canadian authorities. Over 600 inmates from the Orsainville provincial prison were transferred to make room for arrested protesters. The preparation comes at a steep price: at least U.S. \$22 million.

The centerpiece of the security measures will be a three-meter high, 3.9 kilometer long wall — in cop talk a "security perimeter" — to keep protesters and even many city residents far from the summit. For the 25,000 residents who live within the security perimeter, special identification badges will be required to enter their neighborhood.

The constitutionality of the security wall has been challenged by Montreal attorney Marc Tremblay, who claims the wall violates the federal Charter of Rights and Freedoms' protection of peaceful assembly and the presumption of innocence. A court decision is not expected until April 17, at which time it may be too late to dismantle the wall for the summit which begins April 20.

"It turns out that the most effective form of crowd control isn't pepper spray, water cannons, tear gas or any of the other weapons being readied by Quebec police in anticipation of the arrival of 34 heads of state," wrote Naomi Klein in March. "The most cutting-edge form of crowd control is controlling the crowds before they converge: This is state-of-the-art protest deterrence — the silencing you do yourself."

But police are also preparing for direct combat.

The *Toronto Star* reported the RCMP will be equipped, for the first time, with state-of-the-art non-lethal guns that fire plastic bullets with enough power to crack ribs. The new gun, The Anti Riot Weapon Enfield, or Arwen 37, is "the first multi-purpose, multi-shot weapon system to combine lightweight, high accuracy and the ability to fire up to five shots before reloading," according to its manufacturer.

The gun is classified as "less lethal" since it "has less potential for causing death than conventional police weapons," according to RCMP Sergeant Paul Marsh.

Canadian police are required to test "less-lethal" weapons such as the electric shocker Taser on themselves before public use. But since the Arwen 37 was "too dangerous" for testing, Toronto police Constable Bob Leighton told the *Star*, the testing requirement was lifted.

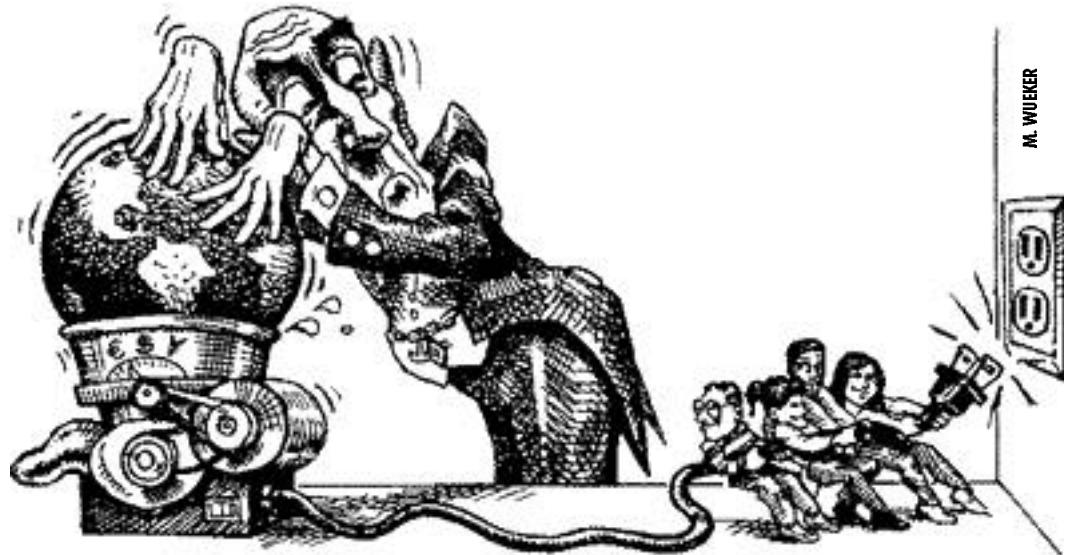


The stone-walled area of Quebec City has been augmented by a police fence.

# THE INDY INDEX

## "FREE TRADE"

### HARD NUMBERS SPELL HARD TIMES



Population of all 34 FTAA nations: 800 million  
 Percentage of global trade represented by FTAA countries: 52  
 Percentage of global trade represented by the top 30 exporting nations in 1998: 92.3  
 Number of FTAA countries with annual per capita income greater than \$20,000: 2  
 Percentage of the total GDP of all FTAA nations represented by the NAFTA countries of Mexico, the United States and Canada: 77  
  
 Number of Mexicans who have fallen from the middle class into poverty since 1995, when NAFTA went into effect: 8 million  
 Change in income of salaried Mexican workers, between 1991 and 1998: -25%  
 Percentage of the Mexican population earning the same in 2000 as in 1940: 30  
  
 Percentage of Canadian unemployed collecting unemployment insurance in 1990: 75  
 Percentage of Canadian unemployed collecting unemployment insurance in 2000: 36  
 Most recent decade the Canadian growth rate has been as low as in the 1990's: the 1930  
 Percentage of new jobs since 1989 in Canada represented by part-time and self-employment: 80%  
 Number of Canadian jobs lost due to NAFTA: 276,000  
  
 Percent of GDP Canada spends on its universal health-care system: 9.3  
 Percent of GDP the United States spends on its healthcare system, which leaves 40 million people without coverage: 14  
  
 Number of American jobs lost due to NAFTA: 766,030  
 Net export deficit between the U.S. and its neighbors in 1993: \$16.6 billion (real dollars)  
 Net export deficit between the U.S. and its neighbors in 2000: \$62.8 billion (real dollars)  
 Number of 67 companies analyzed in a Public Citizen study that promised to create new jobs under NAFTA that have: 7  
  
 Number of border maquiladoras currently operating: 1,947  
 Percentage change since 1993, when NAFTA was signed, that this represents: +37  
 Workers employed in maquiladoras in Mexico in 1975: 60,000 jobs  
     In 1990: 420,000  
     In 2000: 1,300,000  
  
 Percentage of 3.3 million Mexican trucks entering the U.S. that are inspected: Under 1  
 Percentage of those inspected trucks that are denied entry due to safety violations: 50  
 Percentage of clean-up money for the U.S.-Mexico border promised under NAFTA that has been generated: 1  
     Amount of forest in the Mexican state of Guerrero lost in the last 8 years: 40%  
     Amount spent by Mexico on food safety in 1992: \$25 million  
     Amount spent in 1995, after NAFTA-mandated reductions: \$5 million  
     Change in percentage of total food imports inspected by the FDA since 1992: -75  
  
 Temporary increase in cost of water when IMF tried, and failed, to help privatize the supply in Bolivia: 200%  
 HIV infection rate among youth in South Africa, which does not manufacture generic AIDS drugs: 50%  
 Drop in AIDS-related deaths during the 90's in Brazil, which does manufacture generic AIDS drugs: 50%  
  
 Private Mexican deposits in U.S. banks as of December 1994: \$12.2 billion  
     As of December 1999: \$30.7 billion  
 Number of people who have died trying to illegally cross into the U.S. from Mexico since 1997: over 2,000  
  
 Approximate percentage of 500 American corporate executives who admitted to the Wall Street Journal in a 1992 survey that they  
     were "very likely" or "somewhat likely" to use NAFTA as a bargaining chip to hold down wages: 25  
 Percentage of employers from 1993-95 who made threats to close all or part of their plants during organizing drives, according to a  
     union-sponsored study: over 50  
 Factor by which strike threats in National Labor Relations Board union-certification elections increased following NAFTA's implementa-  
     tion, according to the same study: 2  
  
 Number of security personnel mobilized to guard free trade talks in Quebec City: 6,000  
 Cost of this, the largest peace-time mobilization in Canadian history: U.S. \$22 million (and counting)  
 Length in feet of 10-foot-high metal fence surrounding the already walled-in old city where the summit is occurring: 12,500 feet  
 Price of Canadian police's new ARWEN 37mm launchers that shoot plastic bullets, tear gas and metal-filled bean bag pouches: \$2,000  
 Percentage of the world's population, according to the World Bank, living on less than \$2,000 per year: over 75  
 Number of U.S. states and Canadian provinces where anti-FTAA protests are scheduled: 48

# Resistance Is Not Futile

## 500 Years of Globalization and its Opponents

**The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic**  
By Peter Linebaugh and Marcus Rediker  
Beacon Press, 2000

BY SIMON FINGER

As capital increased its global reach, subjecting foreign lands to colonization and farmers and workers at home to exploitation, those denied the spoils of the new economic order took to the streets in protest. Elaborate puppets and effigies were paraded through the avenues, trade ministers menaced and entire cities put under military curfew, inciting greater radicalism and even open insurrection.

The era: 16th century England, when the dawn of colonialism birthed the phenomena now known as globalization.

Peter Linebaugh and Marcus Rediker describe that watershed era in their compelling new work: *The Many-Headed Hydra: Sailors, Slaves, Commoners and the Hidden History of the Revolutionary Atlantic*.

Linebaugh, a history professor at the University of Toledo, and Rediker, a labor and maritime historian at the University of Pittsburgh, draw a portrait of an emerging capitalist order built on the enslavement and dispossession of peasants, the urban poor, native peoples and captured Africans, and contrast it with the movements of resistance that sprang up around the world.

Capitalism's growth, at least in 16th Century England, was spurred by the abolishment of common lands used by the peasantry. These formerly open fields were instead fenced off and divided among the nobility. Countless commoners who once depended on the "commons" to graze their livestock and grow food, were transformed overnight into vagabonds.

This process of "enclosure," the authors explain, contributed to the 12-fold rise in landlessness among English peasants in the 1500s and provided the initial pool of workers for the far-flung colonies.

Later parliamentary acts, such as the outlawing of vagabondage, subjected the poor to a Hobbesian choice of acquiescing to their impoverished fate or resisting and possibly facing virtual enslavement as indentured servants in the colonies. Either way, formerly independent tenants working the common land were transformed into labor for the larger colonial machine and its plantations.

This series of events touches on the central themes of the book: expropriation, the struggle to create alternatives, the tension between cooperation and resistance with the ruling powers, and the disciplining of the poor to accept their lot. In examining the link between controlling "undesirables" and exploiting labor to maximize profits, Rediker and Linebaugh's argument mirrors that of Norwegian criminologist Nils Christie. His classic, *Crime Control as Industry*, detailed the methods of the modern prison-industrial-complex, the class of bonded laborers it creates and the means by which it uses the "criminal justice system" to enrich business inter-

ests. Then, as now, the system of crime and punishment served business interests more loyally than public safety. In both eras, the disciplinary system has been designed to control "dangerous" populations that challenge the social order, instead of reforming or containing criminal elements.

Imprisonment and exile didn't extinguish resistance, but instead often sparked it. As ships laden with the booty of capital crisscrossed the Atlantic trade routes, many slaves, sailors and indentured servants who met in ports and at sea found their different experiences were united by the cruelty of their masters. Rediker and Linebaugh recount many of the conspiracies, plots and alternative communities of this era — from the 1609 shipwreck of the Sea-Venture, when English and Irish indentured servants banded together with Powhatan envoys and others to create their own community on Bermuda, to the 1741 New York Conspiracy when sailors, slaves, freemen and laborers went on a campaign of arson and property destruction aimed at merchants, the military, slave owners and the landed gentry.

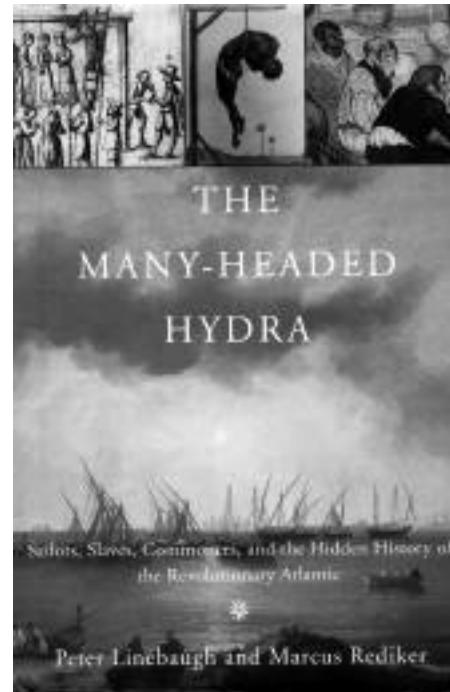
And wherever slaves revolted, particularly in the Caribbean, the offenders would be shipped to other colonies, carrying the germ of resistance and spreading it across nations and seas. Ironically, the vast merchant fleets globalized resistance, setting off insurrections in slave states from Jamaica to Boston.

Little has changed in the intervening centuries, particularly the expropriation of common resources for private gain, whether represented by public lands exploited by oil and mining interests, the pillaging of public airwaves by global media corporations, or the forced privatization of utilities, state-owned enterprises and common farm lands.

Just as exploitation continues, so does the struggle to create alternatives and resist capital. The dissidents know, though, their opposition will be met with force, as parliament did in declaring critics of enclosure to be treasonous or during the numerous slave insurrections in the 18th Caribbean colonies.

The authors discuss the myth of Hercules slaying the Hydra, which was often invoked by both sides in the globalization debate. Hercules represented national strength, centralization and economic development. The Hydra represented the many-headed, disordered and dangerous mob. It was a myth used to justify the repression of the commoners who would not meekly accept poverty. While the images have changed, the logic of globalization's champions remains the same — the chaotic resistance of capitalism's critics justifies official repression.

The present struggle is clearly part of a much longer story. Present levels of international trade are only now approaching the high-water mark set in the late 19th Century. What the struggles of our predecessors tell us is that nothing is inevitable — not even globalization. And that the Hydra has teeth in each one of its mouths.



## New York City independent media center

### WHAT IS THE IMC?

With autonomous chapters in over 40 cities throughout the world, the year-old Independent Media Center has quickly grown into an international network of volunteer media activists.

The IMC's mission is to create a new media ethic by providing progressive, in-depth and accurate coverage of issues that affect us daily. We are a community-based organization using media production and distribution to support and facilitate communities' political and cultural self-representation. We seek to illuminate and analyze local and global issues impacting individuals, communities and eco-systems by providing media tools and space to those seeking to communicate their issues to the world.

Unlike corporate media, we do not pretend to be unbiased. Subjectivity comes with the human package. Rather, we espouse open dialogue, and the importance of placing the means of communication and creativity back in the hands of the people, and away from the drive of profit.

The IMC's work in cyberspace —please visit the local web site at [www.nyc.indymedia.org](http://www.nyc.indymedia.org) or the global site at [www.indymedia.org](http://www.indymedia.org) for up-to-the-minute reports on actions and news near and far — features self-published stories as well as a wide sampling of photos, videos and audio clips. The New York City chapter's print publication, the *Indy*-*dependent*, looks to broaden the IMC's reach through the written word by literally putting the news in people's hands on NYC streets.

### WHAT CAN I DO TO GET INVOLVED?

In aiming to tear down the walls between media producers and consumers, we encourage you to take part in this growing media (r)evolution. The options for involvement are numerous: write for the *Indy*-*dependent*, film events and rallies, self-publish articles to the web, take photos, etc., or just help us run the office. As an organization relying entirely on volunteer support, we encourage all forms of participation.

Stop complaining about the media and all of its shortcomings — take action by voicing your insights and analysis. If you would like to become involved, email us at [imc-nyc-print@indymedia.org](mailto:imc-nyc-print@indymedia.org), call us at (212) 684-8112 for general information on the NYC IMC or visit [www.nyc.indymedia.org](http://www.nyc.indymedia.org).

### SUBMISSIONS

The *Indy*-*dependent* seeks submissions from readers to cover news, cultural events, opinion, etc. Include contact information and be diligent in citing sources. Articles should be less than 1,200 words in length. Letters should be under 300 words. Pictures and graphics are always needed. If possible send stories via email and disc, although hard copies can also be accepted. All mail should be sent to NYC Independent Media Center, 34 E. 29th St. 2nd Floor, New York City, NYC 10016.

We also urge readers to write or email letters to the IMC for publication. Unsigned letters will not be published. The print team reserves the right to edit articles for length, content and clarity but please give us detailed information on how we can contact you to review edits. We welcome your participation in the entire editorial process.

### CONTRIBUTORS

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# IN THE FIRST PERSON

## "Revolution: That's what I'm on."

### REPORTS FROM CINCINNATI

Jenka of Indymedia conducted a series of phone interviews with people in Cincinnati between April 11 and 15. On the right is an excerpt from a discussion with Kim, a resident of the Over the Rhine neighborhood that was the focus of the recent unrest. Below is part of an exchange with a man who asked to speak on Kim's mobile phone at a spontaneous march following the funeral of Timothy Thomas on April 14. The shooting of the unarmed, 19-year-old, African-American Thomas is the fifteenth killing of a Black man by city police since the mid nineties and the fourth since last November.

Man: Hey. This ain't about no race. It ain't about race at all. Because if it was about race, you're talking to a black man with a mask on his face next to a pretty, white woman. If it was about race, she wouldn't be standing next to [inaudible]. It's about these crooked police, been doing this since we was little. Taking us in alleys, jumping on us, doing things, putting attacks on us. White and black, it ain't just a white, I mean it's not a white and black thing. Even though, some people have been hit, they wanted to change it around like this. And for a minute, they was doin'it. They was start crashing cars with white people in it. That wasn't right. They ain't gotta let us do this. But, we started crashing cars with the police in it. That's right. I wish we could of turned it over. For real. But it's not a white and black thing at all. That's farther from the truth. The media tries to make it out to be a white and black thing. It ain't a white and black thing. It's about civil rights. And our civil rights.

Jenka: Why do you wear a mask?

Man: Why do I wear a mask? Because I don't want them to know me, who I am. 'Cause if they know me and who I am, once this is all over with, everybody gonna catch [inaudible]. They gonna get us eventually, know what I'm sayin'? If they can't get us out here by shooting us and killing us right here, they'll put us in the penitentiary. Plain and simple.

J: And they try to single people out?

Man: Yes. They will do this, they have did it. So that's why I wear a mask, it ain't that I'm out here trying to loot, please, I ain't even on that. I'm ready for the revolution. That's what I'm on.

Kim: Here come the cops. There goes a cruiser with four cops in riot gear.

J: Are there people around?

K: No. Everyone ran in their houses. This is all about intimidation. ... The mood and climate that the police are creating is creating way more racial tension. I mean racial tension exists in Cincinnati, but having a predominantly white police force completely intimidate and put fear into the entire Black population of Cincinnati has been creating a strange dynamic. It's really, really scary.

J: And so what's happening now is that they have not declared a state of emergency, but enacted this curfew?

K: Yes. The mayor said he needs to protect the streets and private property, and to do this he wants to put on a curfew and he thinks that's going to solve the rioting. [But] when it gets dark, the police can't keep up with everyone because people are breaking up into small cells and going all over the city, hitting different places. And when they can't cross a police line they break up into smaller groups and go around it. And you know they mess up something behind the line and catch something on fire and the police don't know how to respond. So then the police literally walk into an intersection and just start firing.

J: What are they firing?

K: They're firing either the one half inch rubber-tipped bullets, the big spongetips, the bean-bags, or rubber buckshot... People are getting in their cars and leaving right now. The curfew says you're not supposed to be driving unless you're going to or from work. I don't really know how they're going to declare that, you know what I mean? It's supposed to be on your word, but

that also creates an atmosphere where if they don't believe you, they just arrest you.

J: And are you supposed to carry some documentation?

K: I don't know. We haven't heard anything like that at all. We've just been told to stay in our houses and not leave. There's been a threat of the National Guard coming in even though I think a

lot of people haven't even been told what that means. They're just told, y'know National Guard's here. They haven't been told that National Guard, y'know, is going to be coming with real guns and real bullets and, um, and doing this and that. And over the last day, people have been telling each other that. So there's definitely a lot more fear about what that means if the National Guard comes in. It's kind of like this threat from the mayor, basically. What the mayor has said is the police force can keep up with this sort of schedule they've been doing till Sunday, but within the next 48 hours he would make a decision about whether or not to call in the National Guard. And it really seems like the threat of 8 pm curfew tonight is like a test.

J: And does it feel like the fear is going to outweigh the anger at this point?

K: No. [laughs]

Far from it. One of the things that escalated everything is that we had a City Council meeting the Monday after Timothy Thomas was shot and lots of people were there and pretty much just took over City Chambers and made a real scene. Councilman Cranley who was leading it was hammering on his gavel and he was screaming things like "Order! Order!" And people would just start chanting, "Put the police in order!" It was one of the most beautiful things. The mayor actually got up and left the meeting. And his excuse yesterday was that he had another meeting to go to although it seems like a real lack of commitment on his part to solving these sorts of issues.

J: How many people would you say have been out in the streets over the last few days?

### 'The media has shifted the focus off the cops.'

K: I would say thousands over the last few days. Definitely. It's been blowing up all over

the city. [The neighborhood] Over the Rhine is predominantly Black but it's also the poorest neighborhood in all of Cincinnati. 90 percent of all the residents that live in Over the Rhine live under the poverty level. The second poorest area in all of Cincinnati is the West End, which HUD has been destroying. So there's a lot of anger there. A lot of people have been displaced and pushed into Over the Rhine and other [places]. Cincinnati really segregates its Black areas. Over the

Rhine blew up and it blew up for a good day and a half. Yesterday, people from Bond Hill, another area, started marching midday to come downtown. When they tried to come into downtown the Police started firing at them. They [still] came down into the city. It was beautiful. People in Walnut Hill have said it's been blowing up, and I mean blow up in the way of they're just tired of seeing this. The reports about everyone just being hoodlums and this just being people who have no cause or have nothing really to say is bullshit. Its so bullshit. These are the people who've been experiencing this every single day, like we all are. There's a lot of poor white Appalachian people who live in Over the Rhine also and people who want affordable housing. That this became a race thing is the

media has shifted the focus and taken the responsibility off the police....

Something's happening, oh here comes cop cruisers...They're coming down again. they're running three [officers] deep right now.

J: Are they armed?

K: They are all armed. They're showing their guns as they go by. Hell yeah they're armed. They have shotguns.

J: They have shotguns with live ammunition?

K: They have shotguns with live ammunition and they also have shotguns that load rubber buckshot and rubber plugs. Cincinnati police have all sorts of really fun toys to play with. They have Tasers, they have pistols, they have shotguns, they have beanbag bullets. Most of the injuries we've been seeing in the last couple days, [have been from] people getting hit with the rubber-tipped bullets. They're about an inch and a half in diameter. Yesterday we were seeing a lot of kids getting hit. They took a nine or ten-year-old boy to the emergency room yesterday; he got hit twice in the head. And there were a lot [of cases], he's not an exception at all. There are lots of different people I've seen who have pretty big wounds. They're not supposed to be able to shoot those things above the neck, yet there are many head injuries happening. Lots and lots. And they're shooting them definitely closer than thirty feet. On the guns they have a big orange sticker that says do not fire closer than 30 feet.

Complete audio available at  
[www.indymedia.org](http://www.indymedia.org).